



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 29 1999

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Katie Neidig, Principal
Turner Maclane
3511 La Mesa Drive
Hayward, CA 92542

Dear Ms. Neidig:

This is in response to your letter of March 19, 1999 in which you ask a number of questions regarding the PCB regulations. The following are the questions you have posed and EPA's corresponding answers.

Q1: Did the final rule published on 6/29/98 change any aspect of the PCB regulations regarding PCB transformer retrofilling or PCB transformer reclassification? Is the final rule regarding reclassification likely to be published this year?

A1: The final rule published on June 29, 1998 did not change the regulations regarding transformer retrofilling and reclassification. The PCB Transformer reclassification final rule is being promulgated on a separate track and should be published late this summer.

Q2: According to the TSCA PCB regulations, should the "original" generator of PCB waste receive a Certificate of Disposal (COD) for every PCB waste manifest? Or do the regulations allow the COD to be provided to other entities that may "re-manifest" the PCB waste?

A2: The Certificate of Disposal (COD) is required to be sent to the generator listed on the manifest. If the waste was remanifested by a commercial storer, for example, the COD will be sent by the disposer to the commercial storer and not the original generator because the commercial storer is the generator listed on the manifest. In such cases, the original generator should make arrangements with the commercial storer to get a copy of the COD that covers the waste originally sent to the commercial storer.

Q3: Can storage for disposal (not storage for reuse) of TSCA regulated PCB items exceed 30 days in an area other than the TSCA storage areas described at 40 CFR 761.65(b)(1) and (b)(2)?

A3: The following are areas where PCB waste may be stored for more than 30 days in other than areas described in §§761.65(b)(1) and (b)(2): (1) liquids in bulk containers pursuant to §761.65(c)(1)(iv), (2) bulk remediation waste or bulk product waste at the site of cleanup or site

of generation for 180 days pursuant to §761.65(c)(9), and (3) remediation and bulk product waste in approved risk based alternate storage areas pursuant to §§761.61(c) and 62(c) respectively.

Q4: The new 40 CFR 761.65(c)(9) describes storage of bulk PCB remediation waste and PCB bulk product waste. Fluorescent light ballasts with potting material are included in the definition of PCB bulk product waste (40 CFR 761.3). Section 761.65 (c)(9) allows storage of PCB bulk product waste for up to 180 days if the conditions specified in 761.65(c)(9)(i)-(iv) are met. Please confirm that this 761.65(c)(9) storage option is available for storage for disposal of fluorescent light ballasts with potting material if the ballast(s) are placed in a pile and the other design criteria/conditions are met.

A4: If the conditions of §761.65(9)(i)-(iv) are met, fluorescent light ballasts with potting material may be stored in piles at the site of generation for 180 days.

Q5: Does a RCRA permitted storage area need to have a roof in order to be used for storage of PCBs for more than 30 days under the new 761.65(b)(2)?

A5: No. TSCA does not require a roof over a RCRA storage area; but, if the RCRA permit requires a roof, then a roof is required for the PCBs at that site.

Q6: Do 30-day temporary storage areas (40 CFR 761.65(c)(1)) need to be marked with the M_L marking, even if the PCB containing items stored there are not required to be marked with the M_L marking? If the storage area needs to be marked and the items that are stored there need to be marked, would the M_L marks on the items suffice for marking the storage area? If the answer to the first question is yes, must the storage area also be marked when PCBs are not present?

A6: Pursuant to §761.65(c)(3), 30-day temporary stage areas must be marked as required under §761.40(a)(10). Marks on the items in temporary storage are not sufficient to meet the marking requirement of the storage area. The tempoary storage area need not be marked if PCBs are not present.

Q7: What are the EPA and DOT placarding and marking requirements for transporting PCB Transformer carcasses and PCB-Contaminated Transformer carcasses? What are the manifest requirements for both?

A7: EPA does require marking of transport vehicles when transporting drained PCB Transformers but not for drained or PCB-Contaminated Transformers. For the appropriate DOT placarding and marking requirements see the requirements set forth in the DOT Hazardous Materials Regulations (HMR) at 49 CFR parts 171 through 180. Manifesting is currently required for both drained PCB and PCB-Contaminated Transformers. In a soon to be published technical correction, however, EPA is eliminating the requirement to manifest drained PCB-Contaminated Transformers.

Q8: Please summarize the use authorization, marking, and recordkeeping requirements that would apply to a facility that has one or more PCB Transformers in use. Please also summarize

the storage and disposal requirements if the PCB Transformer were to be removed from use, stored, and disposed of.

A8: Summarizing the various cradle to grave regulatory requirements for PCB Transformers from the various use restrictions based on the location of the unit to the storage and disposal options would be a voluminous undertaking. The following are the pertinent regulatory citations: The use authorizations for transformers are found at §761.30(a). The marking requirements for PCB Transformers are found at §761.40(a)(2). The recordkeeping requirements are found at §761.180(a). Storage requirements are found at §761.65 and the disposal requirements are found at §761.60. Also see Subpart K for PCB waste disposal records and reports. Additional regulatory cites which may be applicable to the transformer are §761.2 (PCB concentration assumptions for use) and §761.35 (Storage for reuse).

Q9: If a facility that did not need to prepare an Annual Report under TSCA (i.e., had data to show that it had no PCB Transformers, did not store more than 45 kg of PCBs contained in PCB containers at any one time, did not have more than 50 PCB capacitors, and had implemented a program to comply with TSCA PCB requirements), finds a significant change in the PCB concentration for one transformer (previous sampling results showed PCBs near 300 ppm and recent samples show PCBs near 2500 -2600 ppm), does the facility need to prepare an annual report for the year in which the transformer is found to be a PCB Transformer? Would EPA expect the facility to prepare Annual Reports for the years in between the last test that showed <500 ppm PCBs and the year in which the test results showed >500 ppm PCBs?

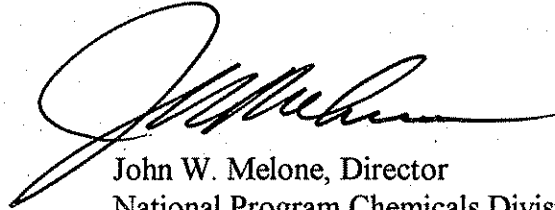
A9: If the unit was mineral oil-filled and allowed to be assumed to contain PCBs between 50 and 500 ppm PCB the Annual Reports only need to be kept from the time of discovery that the unit was above 500 ppm PCBs. However, in the scenario you present the unit was sampled at one point (300 ppm PCBs) and then sampled again at a later date (2,600 ppm PCBs) and found to be almost an order of magnitude higher in concentration. Was the unit initially reclassified to 300 ppm? If that were the case, the Annual Reports would only need to be kept upon discovery of the unit being above 500 ppm PCBs.

Q10: In the preamble to the 6/29/98 rule, EPA prepared a table summarizing the marking and recordkeeping requirements. That was a very useful tool. Has EPA prepared summaries of the PCB regulations as they apply to various PCB items? If not, could such summaries be prepared for PCB Transformers, PCB Capacitors, PCB-Contaminated Transformers and PCB-Contaminated capacitors? Such summaries for other PCB items could also be very beneficial in assisting the regulated community to comply with the TSCA requirements.

A10: At this time and for purposes of conducting its various workshops, EPA has prepared some summary tables to address some disposal issues. You may contact John Smith of my staff at 202-260-3964 to see if any of those summaries will meet your needs. EPA has no plans at this time to prepare any additional summary tables.

If you have any further questions or comments, you may contact Tom Simons of my staff at 202-260-3991.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Melone', with a large, sweeping initial 'J'.

John W. Melone, Director
National Program Chemicals Division

cc: PCB Regional Coordinators I - X